UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,639	09/15/2003	Christopher A. White	CING-128	9384

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ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
04/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/662,639	WHITE ET AL.
Office Action Summary	Examiner	Art Unit	
	NGHI H. LY	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _28 January 2008_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-50_ is/are pending in the application.
    4a) Of the above claim(s) _7-36_ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-6 and 37-50_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☒ Claim(s) _7-36_ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _02/01/08_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible

for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has

been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37

CFR 1.114. Applicant's submission filed on 01/28/08 has been entered.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4.   Claims 1-4, 6, 37-42 and 44-50 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Cruickshank et al (US 6,888,927) in view of Mobley et al (US 6,327,342) and

further in view of Zhang et al (US 6,993,119).

Regarding claims 1, 37 and 44, Cruickshank teaches a method of displaying contact

information about a caller, the method comprising: receiving information from the caller via a

wireless device (column 8, lines 20-38, see "*mobile telephone*"), communicating the information

to at least one computing device external to the wireless device (column 8, lines 20-38, see

"*mobile telephone*" and "*terminal devices 14 and 16*", and see fig.1, Cruickshank's "*terminal

devices 14 and 16*" read on applicant's "external computing device"), and locating information

for the caller in a contact database of either the external computing device or of a network to

which the external computing device belongs (see column 9, lines 54-57 and column 12, line 61

to column 13, line 6).

Cruickshank does not specifically disclose locating the contact information for the caller

in a contact database of either the external computing device or of a network to which the

external computing device belongs, using at least one of a name and phone number of the

caller, and displaying the contact information for the caller on a display of the external

computing device.

Mobley teaches locating contact information for the caller in a contact database of either

the external computing device or of a network to which the external computing device belongs,

using at least one of a name and phone number of the caller, and displaying the contact

information for the caller on a display of the external computing device (see column 1, lines 30-

37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to provide the teaching of Mobley into the system of Cruickshank in order to

provide a computer system is typically used to receive automatic number identification from the telephone call (see Mobley, column 1, lines 30-32).

The combination of Cruickshank and Mobley does not specifically disclose a method of displaying contact information in real time about a caller.

Zhang teaches a method of displaying contact information in real time about a caller (see column 16, lines 1-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Zhang into the system of Cruickshank and Mobley in order to give the calling party the option of identifying itself to the called party (see Zhang, column 16, lines 6-8).

Regarding claim 2, Cruickshank further teaches if the contact information for the caller is not located, the external communicating device creating a new contact record for the caller in the contact database, the new contact record associating the name and phone number of the caller (see column 9, lines 54-57 and column 12, line 61 to column 13, line 6).

Regarding claims 3, 40 and 47, Cruickshank further teaches the external computing device receiving photo information for the caller from the wireless device (see column 7, lines 56-66), and including the photo information in the new contact record for the caller (see column 7, lines 3-14).

Regarding claims 4, 41 and 48, Cruickshank teaches providing contact information from contact manager logic of the external computing device or of the network to which the external computing device belongs to the wireless device (see column 7, lines 56-66), and communicating the contact information to the wireless device as one of an SMS, EMS, and MMS message (see Abstract, "message").

Regarding claim 6, Cruickshank further teaches providing contact information from

contact manager logic of the external computing device or of the network to the wireless device and storing the contact information from the contact manager logic in a memory of the wireless device (see Abstract and column 2, lines 21-27).

Regarding claim 38, the combination of Cruickshank and Mobley further teaches the external computing device comprising logic to display the contact information (see Mobley, column 1, lines 30-37).

Regarding claim 39, the combination of Cruickshank and Mobley further teaches the external computing device comprising logic to create a new contact record for the caller in the contact database if the contact information for the caller is not located in the contact database, the new contact record associating the name and phone number of the caller (see Mobley, column 1, lines 30-37).

Regarding claims 42 and 49, Cruickshank further teaches contact manager logic comprising a GUI, and logic to enable dragging and dropping of the contact information from the contact manager logic GUI to a GUI for the wireless device displayed by the external computing device (see column 12, lines 8-15).

Regarding claim 45, the combination of Cruickshank and Mobley further teaches logic to display the contact information (see Cruickshank, column 8, lines 20-38 or see Mobley, column 1, lines 30-37).

Regarding claim 46, the combination of Cruickshank and Mobley further teaches logic to create a new contact record for the caller in the contact database if the contact information for the caller is not located in the contact database, the new contact record associating the name and phone number of the caller (see Cruickshank, column 9, lines 54-57 and column 12, line 61 to column 13, line 6 or see Mobley, column 1, lines 30-37).

Regarding claim 50, Cruickshank further teaches logic to provide the contact

information to the wireless device (see column 9, lines 54-57 and column 12, line

61 to column 13, line 6).

5.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank et al

(US 6,888,927) in view of Mobley et al (US 6,327,342) and further in view of Zhang et al (US

6,993,119) and Gerszberg et al (US 6,385,305).

Regarding claim 5, the combination of Cruickshank, Mobley and Zhang teaches claim 1.

The combination of Cruickshank, Mobley and Zhang does not specifically disclose dragging the

contact information from a GUI for the contact manager logic and dropping the contact

information into a GUI for wireless device interface logic.

Gerszerg teaches dragging the contact information from a GUI for the contact manager

logic and dropping the contact information into a GUI for wireless device interface logic (see

column 9, lines 20-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to provide the teaching of Gerszberg into the system of Cruickshank,

Mobley and Zhang in order to provide user-friendly feature for the user.

6.   Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank et

al (US 6,888,927) in view of Mobley et al (US 6,327,342) and further in view of Zhang et al (US

6,993,119) and Official notice.

Regarding claim 43, the combination of Cruickshank, Mobley and Zhang teaches the

external computing device comprising logic to provide the contact information to the wireless

device (see Cruickshank, column 9, lines 54-57 and column 12, line 61 to column 13, line 6).

The combination of Cruickshank and Mobley does not specifically disclose the wireless device comprising logic to store the contact information received from the external computing device. However, the examiner takes Official notice that such feature as recited is very well known in the art.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention was made to modify the above teaching of Cruickshank, Mobley and Zhang for providing a method as claimed, for storing the contact information in wireless device.

Response to Arguments

7.   Applicant's arguments filed 01/28/08 have been fully considered but they are not persuasive.

On page 11 of Applicant's remarks, Applicant argues that "Neither Cruickshank nor Mobley nor Zhang, alone or in combination, teach or fairly suggest the present invention as recited in the pending claims. For example, no reference of record discloses a method or system that retrieves information about a caller using a wireless device in real time such that the called party receives various forms of information regarding the caller during the course of the call".

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *a method or system that retrieves information about a caller using a wireless device in real time such that the called party receives various forms of information regarding the caller during the course of the call*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

On page 12 of Applicant's remarks, Applicant argues that there is no motivation to combine the references.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to do so found in the references themselves in order to provide a computer system is typically used to receive automatic number identification from the telephone call (see Mobley, column 1, lines 30-32) *and* in order to give the calling party the option of identifying itself to the called party (see Zhang, column 16, lines 6-8).

On page 12 of Applicant's remarks, Applicant further argues that "The motivation cited in the Office Action, namely "in order to provide a telecommunication service with automatic speech recognition to a telecommunications user" is completely inapplicable in the present invention because these references operate in completely different modes".

In response, a new motivation has been cited: "in order to give the calling party the option of identifying itself to the called party (see Zhang, column 16, lines 6-8)".

On page 13 of Applicant's remarks, Applicant further argues that "the limitations recited in claims 6, 43 and 50 require information to be relayed and stored back in the wireless device used by the calling party, a feature not disclosed or fairly suggested by any of the references of record".

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *information to be relayed and stored back in the wireless device used by the calling party*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

On page 13 of Applicant's remarks, Applicant further argues that "no reference discloses a method and system for retrieving information about a caller in real time during a call and allowing the called party to use that information to then perform a variety of other functions".

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *a method and system for retrieving information about a caller in real time during a call and allowing the called party to use that information to then perform a variety of other functions*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGHI H. LY whose telephone number is (571)272-7911. The examiner can normally be reached on 9:30am-8:00pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

/Nghi H. Ly/
Primary Examiner, Art Unit 2617